

THE HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ABDIQAFAR WAGAFE, *et al.*, on behalf
of themselves and others similarly situated,

Plaintiffs,

v.

DONALD TRUMP, President of the
United States, *et al.*,

Defendants.

No. 2:17-cv-00094-RAJ

**PLAINTIFFS' MOTION TO SEAL
PLAINTIFFS' SUPPLEMENTAL BRIEF
RE: OUTSTANDING DISCOVERY
DISPUTES AND SUPPORTING
DOCUMENTS**

Noting Date: July 31, 2020

I. INTRODUCTION

Plaintiffs respectfully request leave to keep under seal Plaintiffs' Supplemental Brief RE: Outstanding Discovery Disputes and the exhibits attached to the Declaration of Paige Whidbee in support of Plaintiffs' Supplemental Brief, which are filed at Dkts. 379 and 381.

On June 26, 2020, Plaintiffs filed a status report asking the Court to allow Plaintiffs to file a supplemental brief regarding the outstanding discovery motions and the remaining disputes between the parties. *See generally* Dkt. 372. These outstanding discovery motions relate to the Named Plaintiffs' A-Files, policy documents over which Defendants' redacted for the law enforcement and deliberative process privileges and Defendants' requested clawbacks of certain documents. Plaintiffs discuss the substance of these issues which reveal information that Defendants designated as "Confidential" or "Attorney's Eyes Only" under the parties' Protective

1 Order (Dkt. 86). Despite a meet and confer on this issue, Defendants maintain their
2 confidentiality designation over the documents and information discussed in Plaintiffs' motion.
3 Plaintiffs have provisionally filed under seal Plaintiffs' Supplemental Brief RE: Outstanding
4 Discovery Disputes and the exhibits attached to the Declaration of Paige Whidbee in support of
5 Plaintiffs' Supplemental Brief.

6 7 **II. CERTIFICATION**

8 Pursuant to LCR 5(g)(3)(A), Plaintiffs certify that the parties met and conferred
9 telephonically regarding the need for this motion on July 9, 2020. Victoria Braga, Brian Kipnis,
10 and Michelle Slack participated on behalf of Defendants and Paige Whidbee and Heath Hyatt
11 participated on behalf of the Plaintiffs.

12 **III. ARGUMENT**

13 Plaintiffs move to keep under seal Plaintiffs' Supplemental Brief RE: Outstanding
14 Discovery Disputes and the exhibits attached to the Declaration of Paige Whidbee in support of
15 Plaintiffs' Supplemental Brief because Plaintiffs' motion discusses the content of documents
16 designated as "Confidential" or "Attorney's Eyes Only" under the parties' stipulated protective
17 order, Dkt. 86 at 4 ("nor shall [Confidential Information] be included in any pleading, record, or
18 document that is not filed under seal with the Court or redacted in accordance with applicable
19 law."). Plaintiffs disagree with this designation. Defendants will presumably file a statement
20 explaining why this material should remain under seal as required by LCR 5(g). *See* LCR 5(g)(3)
21 ("the party who designated the document confidential must satisfy subpart (3)(B) in its response
22 to the motion to seal or in a stipulated motion.").

Respectfully submitted,

DATED: July 10, 2020

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